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Cc: Dorka, Lilian[Dorka.Lilian@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Johnson, Priscilla[Johnson.Priscilla@epa.gov]
From: Covington, Jeryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5744FF31964349539994E9EB4C3F90FC-COVINGTON,]
Sent: Tue 6/29/2021 9:33:47 PM (UTC)
Subject: FW: Tennessee Department of Environment & Conservation - DUNS #878355437
[TN Dept. of Environment & Conservation DUNS #878355437.pdf](#)
[TN Dept. of Env. & Conservation - DUNS #878355437 Key Contacts.pdf](#)

The following review of the Form 4700-4 for the Tennessee Department of Environment and Conservation is submitted on behalf of Lilian Dorka, Director of the External Civil Rights Compliance Office, and Kurt Temple, Senior Advisor.

The Office of General Counsel's External Civil Rights Compliance Office (ECRCO) has reviewed the Preaward Form (Form 4700-4) submitted by the Tennessee Department of Environment and Conservation and is pleased to provide the following feedback.

ECRCO does not recommend withholding approval of an award to this applicant in light of the civil rights information provided below.

Please note that the ECRCO does not approve or disapprove grant applications based on our review of the Form 4700-4. This review simply identifies areas from the responses provided on the Preaward Compliance Review Report that should be addressed by a recipient respective of their nondiscrimination compliance obligations in accepting EPA financial assistance. This review assesses the mechanisms that are currently in place or proposed for development immediately after grant award to address discrimination complaints and to comply with 40 C.F.R. Parts 5 and 7 regulations that focus on laws that prohibit discrimination by recipients of the Environmental Protection Agency with respect to beneficiaries of their programs and activities.

Please contact Lilian Dorka, ECRCO Director, Kurt Temple, Senior Advisor, or Jeryl Covington, Environmental Protection Specialist, if you have any questions and they will be pleased to provide technical assistance.

Feedback:

Question II: The Tennessee Department of Environment and Conservation documents that it is receiving financial assistance from the Environmental Protection Agency.

Question III: The recipient documented having two (2) active administrative civil rights actions, pending against the agency that allege discrimination based on race, color, national origin, sex, age, or disability. Two (2) of the pending administrative actions were documented as being associated with employment. In addition, the recipient did not provide the basis of these pending civil rights lawsuits/administrative complaints filed against the University (e.g., race, color, national origin, sex, age, or disability).

Per the instructions, the recipient should only list pending civil rights lawsuits/administrative complaints covered by 40 C.F.R. Parts 5 and 7. In particular, with respect to employment matters, EPA's jurisdiction under 40 C.F.R. Parts 5 and 7 is limited to alleged discrimination in employment on the basis of:

- sex in any program or activity subject to Section 13 of the Federal Water Pollution Control Act Amendments of 1972, and any education program or activity under Title IX;
- race, color, or national origin in any program or activity under Title VI whose purpose is to create employment; or, by means of employment discrimination, deny intended beneficiaries the benefits of EPA financial assistance, or subject the beneficiaries to prohibited discrimination;
- disability in any program or activity under Section 504.

As of June 15, 2021, ECRCO has accepted a civil rights discrimination complaint against the recipient (EPA Complaint No.: 03R-21-R4). The complaint alleges racial discrimination in the recipient's program or activities.

Due to the date of the Form 4700-4's authorization (re: May 24, 2021), this complaint is not list on the recipient's response to Question III.

Question V: The recipient documents that the Tennessee Human Rights Commission conducted a compliance review

that was completed in May 2021.

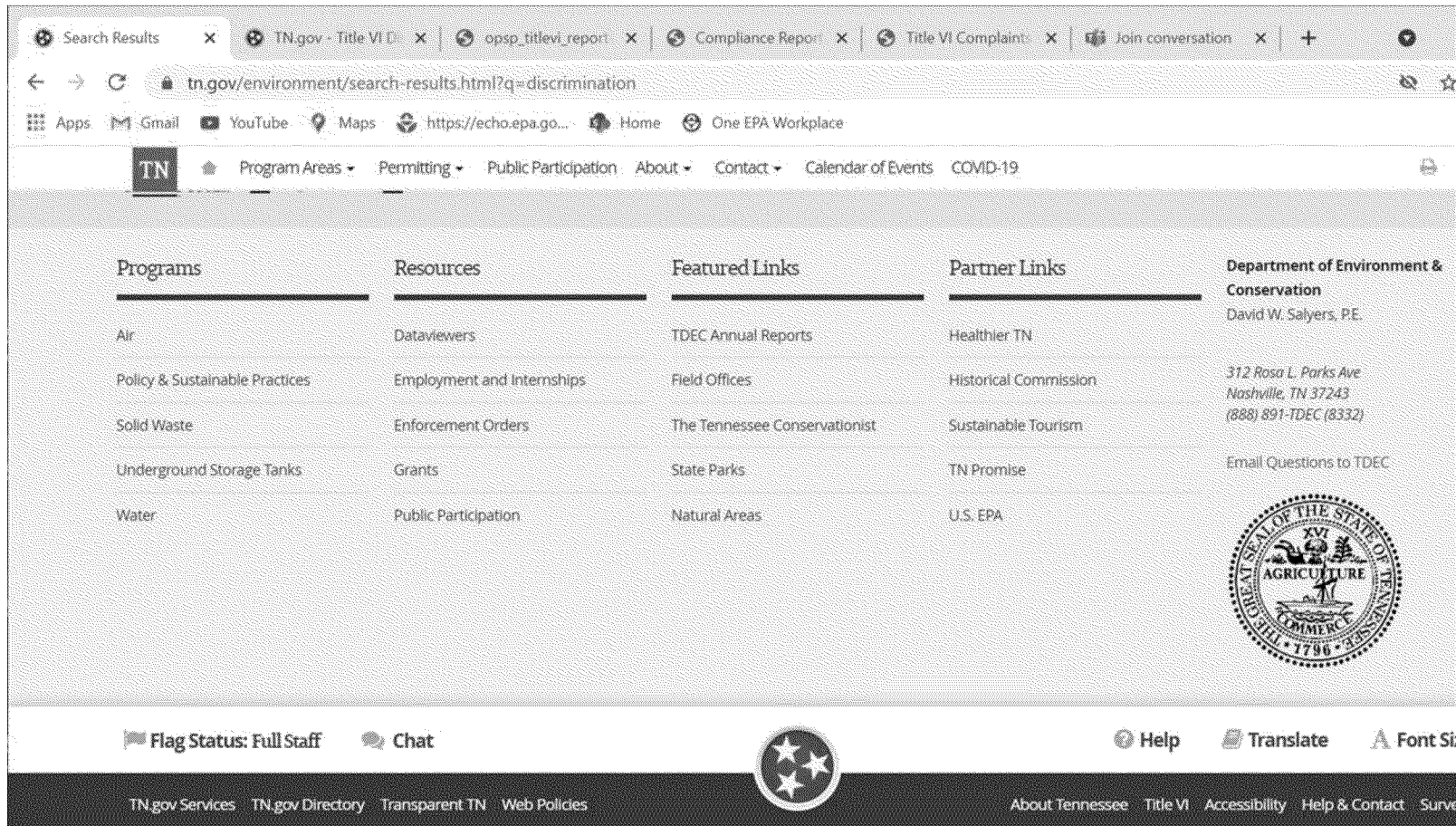
A copy of this review and any decisions, orders, or agreements based on the review were not provided.

ECRCO did identify the recipient's TITLE VI COMPLIANCE REPORT AND IMPLEMENTATION PLAN (Fiscal Year 2019-2020) on the following website:

https://www.tn.gov/content/dam/tn/environment/sustainable-practices/title-vi-and-environmental-justice/older-files/opsp_titlevi_report-and-implementation-plan-2019-2020.pdf

Question VII: The recipient documented "Yes" to it providing initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its program or activities. (40 C.F.R 5.140 and 7.95)

ECRCO reviewed the recipient's website homepage (<https://www.tn.gov/environment.html>) and identified the following nondiscrimination information:



<https://www.tn.gov/humanrights/file-a-discrimination-complaint/title-vi1/title-vi-disclaimer.html> Tennessee Human Rights Commission- Title VI Disclaimer

Question VII (a): The recipient responded "Yes" that its methods of notice to accommodate those with visual or hearing impairments.

From a review of the recipient's website (<https://www.tn.gov/environment.html>), ECRCO could not readily confirm the mechanisms to provide its notice in a format to accommodate those with impaired vision or hearing; however, ECRCO did identify the recipient's website accessibility information on the following webpage:

<https://www.tn.gov/web-policies/accessibility.html> Tennessee State Government - Accessibility Statement

Question VII (b): The recipient responded "Yes" to its notice being posted in a prominent place in the recipient's offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications.

ECRCO reviewed the recipient's website (<https://www.tn.gov/environment.html>) and identified the recipient's notice of nondiscrimination on the following webpage:

<https://www.tn.gov/humanrights/file-a-discrimination-complaint/title-vi1/title-vi-disclaimer.html> Tennessee Human Rights Commission- Title VI Disclaimer

Question VII (c): The recipient responded "Yes" to its notice having the identification of its designated civil rights coordinator included.

ECRCO reviewed the recipient's notice but did not readily identify the name of the designated civil rights coordinator identified in its notice of nondiscrimination. ECRCO reviewed the recipient's website and identified the name of the civil rights coordinator in the following information:

https://www.tn.gov/content/dam/tn/environment/sustainable-practices/title-vi-and-environmental-justice/older-files/opsp_titlevi_report-and-implementation-plan-2019-2020.pdf
Tennessee Department of Environment and Conservation
TITLE VI COMPLIANCE REPORT AND IMPLEMENTATION PLAN (Fiscal Year 2019-2020)

Question VIII: The recipient responded "Yes" to maintaining demographic information on the populations it serves.

ECRCO reviewed the recipient's website and identified the recipient's demographic information in the following information:

https://www.tn.gov/content/dam/tn/environment/sustainable-practices/title-vi-and-environmental-justice/older-files/opsp_titlevi_report-and-implementation-plan-2019-2020.pdf (p. 16)
Tennessee Department of Environment and Conservation
TITLE VI COMPLIANCE REPORT AND IMPLEMENTATION PLAN (Fiscal Year 2019-2020)

Question IX: The recipient responded "Yes" to having a policy/procedure for providing access to services for persons with limited English proficiency (LEP) (40 C.F.R. Part 7, E.O. 13166).

ECRCO reviewed the recipient's website and identified the recipient's policy on LEP in the following information:

https://www.tn.gov/content/dam/tn/environment/sustainable-practices/title-vi-and-environmental-justice/older-files/opsp_titlevi_report-and-implementation-plan-2019-2020.pdf (p. 25)

ECRCO additionally identified that the recipient provides a link to Google translate on its homepage. ECRCO did not readily identify other translation service alternatives offered by the applicant to ensure the accuracy of Google translate.

Question X: The recipient provided the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator responsible for the University's compliance with 40 C.F.R. Parts 5 and 7.

Question XI: The recipient provided the following internet addresses to its adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 CFR Parts 5 and 7:

<https://www.tn.gov/environment/program-areas/opsp-policy-and-sustainable-practices/opsp-title-vi-andenvironmental-justice.html>

ECRCO reviewed the referenced information and identified the following website to the recipient's adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7:

https://www.tn.gov/content/dam/tn/environment/sustainable-practices/title-vi-and-environmental-justice/older-files/opsp_titlevi_report-and-implementation-plan-2019-2020.pdf (p. 29)
Tennessee Department of Environment and Conservation
TITLE VI COMPLIANCE REPORT AND IMPLEMENTATION PLAN (Fiscal Year 2019-2020)

Authorization: The typed name of the Department Controller provides authorization. The date of authorization is May 24, 2021.

From: Johnson, Priscilla <Johnson.Priscilla@epa.gov>

Sent: Tuesday, June 29, 2021 10:38 AM

ED_006218A_00000005-00003

To: Covington, Jeryl <Covington.Jeryl@epa.gov>

Subject: Tennessee Department of Environment & Conservation - DUNS #878355437

Good morning, Jeryl,

On behalf of and according to instructions provided by the Region 4 Office of Civil Rights, please see the attached 4700-4 from the applicant, Tennessee Department of Environment & Conservation.

An ECRCO review is requested based on the applicant's response to Questions III and V. Applicant documents in Question III it has two active administrative civil rights actions. Also, applicant/recipient documents in Question V that an annual review and approval of the Department's Title VI Implementation Plan by the Tennessee Human Rights Commission was completed in May 2021, a copy of the review was not enclosed with the 4700-4. The key contacts list provided identifies Benny Romero, Department Controller, (615) 741-8821, and the 4700-4 form submittal was signed by Rick Tamble, Department Controller.

Thank you in advance for your review and assistance

Priscilla Johnson
Government Information Specialist
U.S. EPA – Region 4
Office of Regional Counsel
(404) 562-9614